EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the Copyright (United States of America) Order, 1942. It terminates, on 29th December, 1950, the special arrangement whereby works first published in the United States of America on or after the 3rd September, 1939, are enabled to secure copyright protection within those parts of His Majesty's dominions to which the Order applies, by publication therein at any time up to one year after the termination of the war.

COUNTY COURT, ENGLAND AND WALES

The County Court (Amendment) Rules, 1950

1950 No. 1231 (L. 21)

Made - - - - 25*th July*, 1950
Coming into Operation 1*st September*, 1950

1.—(1) These Rules may be cited as the County Court (Amendment) Rules, 1950.

(2) An Order and Rule referred to by number in these Rules means the Order and Rule so numbered in the County Court Rules, 1936(a), as amended.

(3) A Form referred to by number in these Rules means the Form so numbered in the Appendices to the County Courts Rules, 1936.

2. Order I shall be amended as follows:—

(*a*) In paragraph (2) of Rule 4 for the year "1918" there shall be substituted the year "1949".

(*b*) For the marginal note to paragraph (2) of Rule 4 there shall be substituted "12 & 13 Geo. 6, c. 68.".

3. Rule 19 of Order V shall be amended as follows:—

(*a*) In paragraph (1) after the word "judge" wherever it occurs, there shall be inserted the words "or registrar".

(*b*) The following paragraph shall be substituted for paragraph (2):—

"(2) (*a*) Where the sole object of the action is to obtain the sanction of the judge or registrar to a settlement or compromise, the particulars of claim shall contain a brief statement of the cause of action together with a request for the approval of the settlement or compromise.

(*b*) The sanction of the judge or registrar may be given in chambers, whether a court is held on that day or not.

(*c*) All money or damages recovered or awarded shall, unless the judge or registrar otherwise directs, be paid into court to the credit of an account intituled in the action."

(*c*) Paragraph (4) shall be revoked.

(*d*) The following proviso shall be added to paragraph (6):—

"Provided that orders for the payment out of court of any sum of money may be made by the registrar."

(*e*) Paragraph (7) shall be revoked.

(a) S.R. & O. 1936 (No. 626) I, p. 282.

4. Order VI shall be amended as follows :—

(*a*) After sub-paragraph (*e*) of paragraph (2) of Rule 2 the word " or " and sub-paragraph (*f*) shall be revoked.

(*b*) The following sub-paragraph shall be substituted for sub-paragraph (*c*) of paragraph (2) of Rule 3 :—

" (*c*) annex to the summons and to every copy thereof to be served a copy of the particulars (if any) ; and also annex to every copy of the summons to be served a form of admission, defence or counterclaim in Form 18A or Form 20A, whichever is applicable to the case ; and "

Forms 18A, 20A.

(*c*) Paragraph (2) of Rule 4 shall be amended as follows :—

(i) In sub-paragraph (*a*) a marginal note " Form 23 " shall be inserted.

(ii) The following sub-paragraphs shall be added to paragraph (2) :—

" (*e*) Where the originating application has not been served by reason of an error in or omission from it, or of a respondent having removed from the address stated in it, an amended originating application may be filed :

Provided that—

(i) if the bailiff ascertains before notice of non-service has been sent that a respondent has removed from the address stated on the application to a new address within the district, it shall be his duty to serve the application without amendment and to indorse the new address on the copy of Form 26 retained by him for entry in the books of the court ; and

(ii) where the address of a respondent stated in the originating application was within the district of the court, and the respondent at the time when it was filed was not residing or carrying on business within the district, an amendment shall only be allowed if the originating application as amended could have been commenced in that court.

(*f*) Paragraphs (1) to (5) of Rule 31 of Order VIII shall, with the necessary modifications, apply to an originating application as they apply to an ordinary summons and shall be construed as if for references to an " ordinary summons " and " summons " there were substituted references to an " originating application " and " application " respectively, and as if for references to a " plaint " and " amended praecipe " there were substituted references to an " originating application " and " amended application " respectively."

5. The following Rule shall be substituted for Rule 7A of Order VII :—

Hire-purchase.

" 7A. Where a plaintiff claims the delivery of goods let under a hire-purchase agreement, he shall in his particulars state in the order following—

(i) the date of the agreement and the parties thereto ;

(ii) the goods claimed ;

(iii) the amount of the hire-purchase price ;

(iv) the amount paid by or on behalf of the hirer ;

(v) the amount of the unpaid balance of the hire-purchase price ;

(vi) the date when the right to demand delivery of the goods accrued ;

(vii) the amount (if any) claimed as an alternative to the delivery of the goods; and

(viii) the amounts (if any) claimed in addition to the delivery of the goods or any claim under paragraph (vii), stating the cause of action in respect of which each claim is made."

6. Order VIII shall be amended as follows:—

(*a*) The following sub-paragraph shall be substituted for sub-paragraph (i) of paragraph (*b*) of Rule 2:—

"(i) A bailiff of the court, or, if the defendant attends at the office of the court, any other officer of the court; or"

(*b*) Rule 8 shall be amended as follows:—

(i) The following paragraph shall be substituted for paragraph (1):—

"(1) Subject to the provisions of any Act and paragraphs (1A) and (1B) of this Rule, and Rules 11 to 26 and Rule 30 of this Order, service of an ordinary summons shall be effected—

(*a*) by delivering the summons to the defendant personally; or

(*b*) by a bailiff of the court delivering the summons to some person apparently not less than 16 years old, at the residence of the defendant or, where he is the proprietor of a business, at his place of business."

(ii) Paragraph (3) shall be revoked.

(*c*) Rule 9 shall be amended as follows:—

(i) Paragraph (2) shall be revoked.

(ii) Paragraph (1A) shall be re-numbered and shall stand as paragraph (2).

(*d*) The following Rule shall be substituted for Rule 31:—

Successive summonses.

"31.—(1) Where an ordinary summons has not been served on every defendant, successive summonses may from time to time be issued without entering a new plaint, on the plaintiff filing an amended praecipe on each occasion when a successive summons is to be issued.

(2) Where an ordinary summons has not been served by reason of a defendant having, after entry of the plaint, removed out of the district in which the summons was required to be served, successive summonses may from time to time be issued for service in any district to which he has removed.

(3) A successive summons shall—

(*a*) bear the same date and number as the original summons; and

(*b*) be a continuance of the original summons; and

(*c*) be served in accordance with Rule 8 of this Order.

(4) A successive summons shall not be issued after twelve months from the date of issue of the original summons:

Provided that where reasonable efforts have been made to serve the summons within the said period and service has not been effected, the registrar may, on application made within the currency of the last preceding period, order that the time be extended for a further period not exceeding twelve months or for successive periods not exceeding twelve months each.

(5) A note of any extension of the time allowed for the issue of successive summonses shall be indorsed on the summons and on any copy and shall be entered in the books of the court."

(*e*) Rule 32 shall be amended as follows:—

(i) The following proviso shall be added to paragraph (1):—

"Provided that—

(*a*) where in the opinion of the court service of a default summons on the defendant personally by a bailiff of the court cannot be effected and the court is satisfied on the report of a bailiff or otherwise that there is a reasonable probability that the summons if sent by post will come to the knowledge of the defendant in sufficient time for him to have an opportunity of delivering a defence, admission or counter-claim within 8 days of the time when the summons would be delivered in the ordinary course of post, inclusive of the day of delivery, the registrar may cause the summons to be served by an officer of the court sending it by pre-paid post (registered or otherwise) addressed to the defendant; and

(*b*) where the registrar of a foreign court has received a summons for service by bailiff, this proviso shall be construed as if the words "the court" and "the registrar" included the foreign court and the registrar thereof respectively."

(ii) The following paragraph shall be inserted after paragraph (1):—

"(1A) Where a default summons is served by post, the officer of the court shall indorse on the copy of the summons retained in the court office the time and date of posting, the address written on the letter, and whether the letter was registered."

(*f*) In Rule 33 after the word "bailiff" there shall be inserted the words "or other officer of the court".

7. Order IX shall be amended as follows:—

(*a*) Rule 1 shall be amended as follows:—

(i) In paragraph (2) the words "or Form 61" shall be omitted and for the marginal note there shall be substituted the words "Form 60."

(ii) In paragraph (3) for the words "and to the defendant, and the registrar shall on the return day enter judgment accordingly." there shall be substituted the words "who shall as soon as practicable enter judgment accordingly."

(iii) In paragraph (6) for the words "he has received notice of acceptance of his proposal." there shall be substituted the words "judgment has been entered in accordance with paragraph (3) of this Rule."

(*b*) In paragraph (1) of Rule 2 the words "for which the form appended to the summons may be used" shall be omitted.

8. Order X shall be amended as follows:—

(*a*) In Rule 3 for the words "a defence or" there shall be substituted the words "a defence not accompanied by an admission of any part of the claim or delivers".

(*b*) The following Rule shall be substituted for Rule 4:—

Admission.

"4.—(1) If within the period of 8 days prescribed by Rule 1 of this Order, or before judgment has been entered, the defendant delivers at the court office an admission of the whole or part of the plaintiff's claim, not accompanied by a counterclaim, the registrar shall upon the receipt by him of the admission, send notice thereof to the plaintiff in Form 28 (1), annexing a copy of the defence, if any, as to part of the claim.

Form 28 (1).

(2) If the plaintiff elects to accept the amount admitted in satisfaction of his claim and the proposal as to mode of payment, he shall, within 3 days of the receipt by him of the notice of admission, send notice of acceptance to the registrar, who shall as soon as practicable enter judgment accordingly.

(3) If the plaintiff does not elect to accept the amount admitted and the proposal as to mode of payment, he shall, within 3 days of the receipt by him of the notice of admission, send notice of non-acceptance to the registrar. Thereupon the registrar shall—

(*a*) if the whole claim is admitted, fix a day (in these Rules called the day fixed for the disposal of the action) on which the action will be disposed of and the decision of the court will be given as to the date of payment or the instalments by which payment is to be made, and not less than 5 clear days' notice of the day so fixed shall be given to the plaintiff in Form 28 (2) and to the defendant in Form 29; or

Forms 28 (2) and 29.

(*b*) if part only of the claim is admitted, fix a day for the hearing of the action and give not less than 5 clear days' notice thereof to the plaintiff and the defendant in Form 27."

Form 27.

(*c*) Rule 6 shall be revoked.

(*d*) In Rule 9 before the word "Rules" there shall be inserted the words "Paragraphs (6), (7), (8) and (9) of Rule 4 and".

9. In Rule 1 of Order XI, for the words "a defendant in an ordinary action may, within 4 days of the service of the summons on him, and a defendant in a default action may", there shall be substituted the words "a defendant may".

10. The following paragraphs shall be substituted for paragraph (1) of Rule 2 of Order XIV:—

"(1) Any party to any proceedings may give notice in writing to any other party requiring him to make discovery on oath of the documents relating to any question in the proceedings which are or have been in his possession or power.

(1A) If the party to whom the notice has been given does not comply with it within three days after its receipt, the party who has given the notice may apply to the court on notice for an order directing the other party to make such discovery :

Provided that the court may make an order on the application of a party notwithstanding that the notice under paragraph (1) of this Rule has not been given, where it is satisfied that there were reasonable grounds for not giving it."

11. Rule 13 of Order XVI shall be amended as follows :—

(*a*) Paragraph (3) shall be revoked.

(*b*) The following proviso shall be added to paragraph (4):—

" Provided that orders for the payment out of court may be made by the registrar.".

(*c*) Paragraph (5) shall be revoked.

12. Order XX shall be amended as follows :—

(*a*) Rule 3A shall be revoked.

(*b*) Rule 4 shall be amended as follows:—

(i) For the word " judge " wherever it occurs, there shall be substituted the words " judge or registrar ".

(ii) The proviso to Rule 4 (which relates to the production of witnesses for cross-examination) shall stand as proviso (i) to that Rule and the following proviso shall be added to that Rule :—

" and

(ii) nothing in any order so made shall affect the power of the judge at the hearing to refuse to admit evidence tendered in accordance with any such order if in the interests of justice he should think fit to do so."

(*c*) Rule 5 shall be amended as follows:—

(i) The Rule shall stand as paragraph (1) of Rule 5.

(ii) The following paragraph shall be added after paragraph (1):—

" (2) Where in an ordinary action the defendant has not delivered a defence to the action within the time limited by Order IX, Rule 4 (1), evidence by affidavit shall be admissible on behalf of the plaintiff without the notice required by the preceding paragraph of this Rule having been given, unless the court otherwise orders."

(iii) For the marginal note there shall be substituted the words, " Use of affidavit without order."

13. Order XXI shall be amended as follows :—

(*a*) In paragraph (1) of Rule 2 the words " , on payment by the applicant of a deposit of eight shillings," shall be omitted.

(*b*) In paragraph (1) of Rule 7 the words " , and the registrar shall return the deposit." shall be omitted.

14. Order XXIII shall be amended as follows :—

(*a*) The following words shall be added to paragraph (1) of Rule 1:—

" or in which the claim is for the return of goods not exceeding £10 in value or of goods let under a hire-purchase agreement where the unpaid balance of the hire-purchase price does not exceed £10."

(*b*) The following Rule shall be substituted for Rule 9:—

Judgment where counterclaim is established. Form 130.

"9.—(1) Where a counterclaim is established against the claim of the plaintiff and there is a balance in favour of one of the parties, the court may give judgment in Form 130.

(2) Nothing in the preceding paragraph shall affect the discretion of the court to award costs in such proportions as it thinks fit."

15. Order XXIV shall be amended as follows:—

(*a*) Rule 3 shall be revoked.

(*b*) The following Rule shall be substituted for Rule 15:—

Notice of payment into court.

"15. Where any payment into court is made under a judgment or order, the registrar shall, where the payment

(*a*) exceeds £2; or

(*b*) increases the amount remaining in court paid under the judgment or order from a sum not exceeding £2 to a sum exceeding £2; or

(*c*) is for the whole amount or the balance due under the judgment or order,

Form 142. give notice in Form 142 to the person entitled to the money."

16. Order XXV shall be amended as follows:—

(*a*) Rule 11 shall be revoked.

(*b*) Rule 41 shall be amended as follows:—

(i) In paragraph (1) for the words "a successive judgment summons shall" there shall be substituted the words "successive judgment summonses may from time to time", and for the word "three" shall be substituted the figure "6".

(ii) In paragraph (2) for the words "A successive judgment summons" there shall be substituted the words "Successive judgment summonses".

(*c*) In paragraph (2) of Rule 44 for the words "Rule 63" there shall be substituted the words "Rule 66".

(*d*) The following Rule shall be substituted for Rule 63:—

New order for payment. Forms 192, 193.

"63. Where on the hearing of a judgment summons the judge makes a new order for payment of the amount remaining unpaid, the order shall be in Form 192 or Form 193, whichever is applicable."

(*e*) The following Rule shall be substituted for Rule 66:—

Costs on judgment summons.

"66.—(1) On the hearing of a judgment summons no costs shall be allowed to the judgment creditor unless—

(*a*) the judge is satisfied that the debtor has had, since the date of the original judgment or order, the means to pay the sum in payment of which he has made default; or

(*b*) the summons is on a judgment or order of another county court or a court other than a county court:

Provided that, where the judgment creditor has paid money to the debtor as travelling expenses under Rule 43 of this Order and the debtor does not attend the hearing, the judge may, if he thinks fit, allow the money so paid as costs to the judgment creditor.

(2) Where costs are allowed to the judgment creditor,—

(*a*) there may be allowed a charge of a solicitor for attending the hearing, and, if the judge certifies that the case is fit for counsel, a fee to counsel;

(*b*) the costs may be fixed and allowed without taxation;

(*c*) the Scale shall be determined by the sum of money in respect of which the judgment summons is issued, excluding the costs of issuing the judgment summons."

(*f*) The following proviso shall be added to paragraph (1) of Rule 68:—

"Provided that a copy of the order shall not be issued except upon application where the order is for the delivery of goods under sub-section (4) (*b*) of section 12 of the Hire-Purchase Act, 1938."

(*g*) In Rule 73 of Order XXV the words ", and after the execution of the warrant the registrar shall file a certificate in Form 201" and the marginal note "Form 201." shall be omitted.

17. Paragraph (3) of Rule 1 of Order XXVI shall be revoked.

18. Rule 3 of Order XXXVIII shall be revoked.

19. Order XL shall be amended as follows:—

(*a*) Rule 5 shall be amended as follows:—

(i) In paragraph (1) after the word "report" there shall be inserted the words "in triplicate".

(ii) The following paragraph shall be added after paragraph (3):—

"(4) Where both parties agree to the report, application may be made to the registrar who shall have power to make an order in the terms of the report."

(*b*) The following Rule shall be substituted for Rule 7:—

Remuneration, etc., of referee.

"7.—(1) The remuneration of the referee shall be fixed by the registrar in accordance with the following scale:—

Where the sum of money to which the applicant claims to be entitled, or to which failing the grant of a new lease he alleges he would be entitled, as compensation:—	For every day on which the referee sits:— £ s. d.
Does not exceed £100	5 5 0
Exceeds £100 but does not exceed £200	8 8 0
Exceeds £200 but does not exceed £500	12 12 0
Exceeds £500 but does not exceed £1,000	15 15 0
Exceeds £1,000 but does not exceed £2,000 ...	18 18 0
Exceeds £2,000	21 0 0

(2) The amount so fixed shall be deemed to include remuneration for qualifying, viewing and reporting to the court, but for the purposes of computation time spent by the referee in viewing shall be deemed time spent in sitting.

(3) Where on any one day the time spent in sitting is less than 6 hours the registrar may, if he thinks fit, reduce the fee fixed in accordance with the preceding scale, having regard in particular to the amount of work involved in the case.

(4) There shall in addition be allowed to the referee all proper expenses incurred by him in relation to the reference.

(5) Where the proceedings have been terminated before the referee's report has been filed, the referee shall be allowed—

(*a*) by way of remuneration, where no sitting has been held ; or

(*b*) by way of additional remuneration, where the referee has sat and has fixed and cancelled a further sitting ;

such amount (if any) as the registrar may determine.

(6) The court may at any time, on the application of any party or of the referee, determine by whom and (if by more than one person) in what proportions the remuneration and expenses of the referee shall be borne, and may make all orders and give all directions necessary to give effect to the determination of the court.

(7) For the purpose of any appeal to the judge from a decision of the registrar under this Rule, the referee shall be deemed to be a party to the proceedings."

20. Order XLIII shall be amended as follows:—

(*a*) For every reference to the "Representation of the People Act, 1918" and to "7 & 8 Geo. 5, c. 64", there shall be substituted a reference to the "Representation of the People Act, 1949" and to "12 & 13 Geo. 6, c. 68" respectively.

(*b*) In paragraph (1) of Rule 1 for the words "Section 14" there shall be substituted the words "section 45".

(*c*) In Rule 2 for the words "Rule 29 in the First Schedule to" and "that Rule", there shall be substituted the words "the Regulations made under section 42 of" and "those Regulations" respectively.

(*d*) In Rule 11 for the words "Section 29" there shall be substituted the words "section 20".

21. Order XLVI shall be amended as follows:—

(*a*) Rule 8 shall be revoked.

(*b*) The following Rule shall be substituted for Rule 8A and shall stand as Rule 8 :—

"*Marriage Act*, 1949.

12 & 13 Geo. 6, c. 78.

8. An application under section 3 of the Marriage Act, 1949, for the consent of the court to the marriage of an infant may be heard and determined by the registrar, and a copy of the application and a notice in Form 26 shall, not less than 7 clear days before the day fixed for the hearing, be served on every person whose consent is required to the marriage and who has refused his consent."

Form 26.

22. Order XLVII shall be amended as follows:—

(*a*) The following Rule shall be substituted for Rule 5:—

Application of Scales.

"5.—(1) For the regulation of solicitors' charges and disbursements other than court fees there shall be three Scales, namely, Scale 1, Scale 2, and Scale 3.

(2) The Scale of Costs applicable to a sum of money only shall be as follows:—

Sum of Money	Scale Applicable
Exceeding £2 and not exceeding £10 ...	Scale 1
Exceeding £10 and not exceeding £20 ...	Scale 2
Exceeding £20	Scale 3

(3) Where the sum of money does not exceed £2, no solicitor's charges shall be allowed unless a certificate is granted under Rule 13 of this Order."

(*b*) Rule 8 shall be amended as follows:—

(i) In paragraph (1) after the word "shall" there shall be inserted the words ", unless the registrar on taxation otherwise directs,".

(ii) In paragraph (2) for the words "the court" there shall be substituted the words "the registrar on taxation".

(iii) The proviso to paragraph (2) shall be revoked.

(*c*) Rule 10 shall be revoked.

(*d*) The following Rule shall be substituted for Rule 13:—

Difficult questions of law or fact.

"13. In any proceedings in which the judge certifies that a difficult question of law or a question of fact of exceptional complexity is involved, he may award costs on such Scale as he thinks fit."

(*e*) The following Rule shall be substituted for Rule 14:—

Companies Act. 11 & 12 Geo. 6, c. 38.

"14. The costs of proceedings under the Companies Act, 1948, other than proceedings which are regulated by the Companies (Winding-up) Rules, 1949, shall be on the Scale applicable to similar proceedings in the High Court."

(*f*) In Rule 15 the figure "10" shall be omitted.

(*g*) The following Rule shall be added after Rule 15 and shall stand as Rule 16:—

Discretionary increases.

"16. All charges or disbursements which are discretionary shall, unless otherwise provided, be allowed at the discretion of the registrar, who, in the exercise of such discretion, shall take into consideration the other charges and disbursements to the solicitor and counsel, if any, in respect of the work to which the fee or allowance applies, the nature and importance of the action or matter, the amount involved, the interest of the parties, the general conduct and costs of the proceedings and all other circumstances."

(*h*) Rule 16 shall be re-numbered Rule 17 (1).

(*i*) Rule 17 shall stand as paragraph (2) of Rule 17.

(*j*) The following marginal note shall be substituted for the marginal notes to Rules 16 and 17:—

"Allowance or disallowance of items by judge or registrar."

(*k*) Rule 18 shall be amended as follows:—

(i) In paragraph (1) for the words "the Lower Scale" there shall be substituted the words "Scale 1".

(ii) The following paragraph shall be substituted for paragraph (2):—

"(2) Where the judge or registrar so certifies, he may fix the fee which is to be allowed under Item 10 of the Scale."

(*l*) In Rule 19 for the words "one of the Higher Scales" there shall be substituted the words "Scale 2 or Scale 3".

(*m*) The following Rule shall be substituted for Rule 20:—

Counsel where claim admitted or not disputed.

"20. Unless the judge otherwise orders, no fee for counsel with brief shall be allowed in an action for the recovery of a sum of money only—

(*a*) where the defendant has admitted the whole or part of the claim within the time limited by Order IX, Rule 1 (1) or Order X, Rule 1, and the plaintiff obtains judgment for a sum not exceeding the amount admitted; or

(*b*) where no defence has been delivered and the defendant does not appear at the hearing to resist the claim."

(*n*) The following paragraphs shall be substituted for paragraphs (1), (2) and (3) of Rule 21:—

Certificate for increased charges and fees.

"(1) Where the costs of any proceedings are on Scale 3, the judge may certify that the proceedings are fit for the employment of more counsel than one.

(2) Where the costs of any proceedings are on Scale 2 or Scale 3 and the judge is satisfied from the nature of the case or the conduct of the proceedings that the costs which may be allowed may be inadequate in the circumstances, he may direct that the registrar on taxation shall not be bound by the amounts appearing in the Scale in respect of the items specified in the next succeeding paragraph.

(3) Where a direction has been given under the last preceding paragraph, the registrar may, if he thinks fit, allow on taxation such larger sums as he thinks reasonable in respect of all or any of the following items, namely:

items 1, 2, 3, 6, 7, 8, 27 and 30."

(*o*) The following Rule shall be substituted for Rule 22:—

Plans, photographs, etc.

"22. There may be allowed for the preparation of any plan, drawing, chart, photograph or model, and of any copies thereof, prepared for the purpose of any action or matter, the sum reasonably paid for the same not exceeding, unless by order of the judge, the sum appearing in the Scale on which the costs are being taxed."

(*p*) In Rule 23 for " Scale A, B or C " there shall be substituted " Scale 2 or Scale 3 ".

(*q*) The following Rule shall be substituted for Rule 29:—

Compensation for loss of time.

" 29. Where on the hearing of an action or matter a party to the proceedings or any other person attends the court as a witness of fact, or as a witness producing a document, there may be allowed in respect of his attendance such sum as the judge or registrar thinks reasonable, not exceeding the sum prescribed in Column 2 of Appendix C for a person of the class to which he belongs:

Provided that the sum allowed shall not, unless the court otherwise orders, exceed the sum prescribed in Column 1 of Appendix C where—

(*a*) a witness or party has lost no wages, earnings or other income in attending court; or

(*b*) the period during which the witness has been away from home or in respect of which he has lost wages, earnings or other income by reason of his attendance does not exceed 4 hours."

(*r*) Rule 30 shall be amended as follows:—

(i) The following paragraph shall be substituted for paragraph (1):—

Expert witnesses.

" (1) Where a person attends the court as an expert witness, or attends as a witness of fact and, being called upon to do so, gives in evidence his opinion as an expert, a fee may be allowed in respect of his attendance and in addition, if the judge or registrar thinks fit, a fee for qualifying to give evidence:

Provided that no fee as an expert witness may be allowed in respect of a person attending the court only to prove the correctness of a plan, drawing, chart, photograph or model."

(ii) The following proviso shall be substituted for the proviso to paragraph (2):—

" Provided that if in any particular case the judge certifies that the fee for qualifying to give evidence or for a report in writing or for attending the court ought not to be so limited, the fee to be allowed on taxation shall be such larger sum as the registrar thinks reasonable."

(iii) In paragraph (4) for the words " one guinea " there shall be substituted the words " not exceeding 3 guineas ".

(*s*) The following Rule shall be substituted for Rule 36:—

Fixed costs.

" 36.—(1) Appendix D to these Rules shall have effect for the purpose of showing the total amount which, in the several cases to which Appendix D applies, shall be allowed to the solicitor for the plaintiff without taxation, unless the judge or registrar otherwise orders.

(2) In a case to which Appendix D does not apply no amount shall be entered on the summons for the charges of the solicitor for the plaintiff, but the words " to be taxed " shall be inserted."

(*t*) The following Rule shall be substituted for Rule 37:—

Allowance without taxation.

" 37.—(1) Where in an action or matter costs are awarded on Scale 1, the costs may be fixed and allowed without taxation.

(2) Where the solicitor for the plaintiff or for the defendant is entitled to tax his costs on Scale 2 or Scale 3 but states at the hearing that he does not claim charges in excess of the amount shown in Appendix E, the costs may be allowed without taxation."

(*u*) Rule 41 shall be revoked.

23. Forms 28, 29A, 61, 138, 172, 201, 366, 367, 368 and 369 shall be revoked.

24. The Forms set out in Part I of the Appendix to these Rules shall be added as new Forms and shall stand as Forms 18A, 20A, 28 (1), 28 (2) and 138.

25. The Forms set out in Part II of the Appendix to these Rules shall be substituted for the Forms of the same numbers:

Provided that Forms 5, 17, 33, 34 and 162 may continue to be used in the form hitherto prescribed until the Lord Chancellor otherwise directs.

26. Form 14 shall be amended as follows:—

(*a*) For the column heading "Hearing" there shall be substituted "Warrant".

(*b*) The words "The Hearing Fee must be paid before the action (*or* matter) is called on." shall be omitted.

27. Form 15 shall be amended as follows:—

(*a*) For the column heading "Hearing" there shall be substituted "Warrant".

(*b*) The words "The Hearing Fee must be paid before an action is called on." shall be omitted.

28. In Form 16 for the column heading "Judgment or Hearing" there shall be substituted "Warrant".

29. In Forms 27 (1), 27 (2) and 92 the words "The hearing fee must be paid before the action is called on." shall be omitted.

30. In Form 94 the words "The hearing fee must be paid before the issue is called on." shall be omitted.

31. In Form 159 for the indorsement of the fees of the execution of the warrant, there shall be substituted the following indorsement:

Provided that the indorsement hitherto prescribed may continue to be used until the Lord Chancellor otherwise directs:—

"*Fees for the execution of this warrant*

If the debtor pays the amount to be levied within half an hour of the entry of the bailiff, he will incur no further fees or expenses.

The fee for keeping possession of the goods seized is sixpence in the pound per day, not exceeding seven days, on the value of such goods (the value to be the appraised value where the goods have been appraised) with a maximum of ten shillings per day. In addition, there are payable, where animals are to be fed, the reasonable expenses of feeding them and, where steps are taken to remove goods to a place of deposit, the reasonable expenses incurred. If possession is kept after the seventh day at the written request of both parties, the same fees per day may be allowed for a reasonable further time in respect of such possession.

If the goods are removed, the appraisement fee as undermentioned will be payable by the debtor.

If the goods are appraised and sold, the following fees are chargeable for the appraisement and sale, and no others:—

For the appraisement, sixpence in the pound on the value of the goods appraised.

For the sale, including advertisements, catalogues, sale and commission, and delivery of the goods, two shillings in the pound on the amount realised by the sale.

For advertising any sale by auction pursuant to section 129 of the County Courts Act, 1934, in addition to the last-mentioned fee, the reasonable expenses thereof.

Where no sale takes place by reason of the execution being withdrawn, satisfied or stopped, there may be allowed the expenses reasonably incurred with a view to a sale, not exceeding one shilling in the pound on the value of the goods seized (the value to be the appraised value where the goods have been appraised) and, in addition, any reasonable expenses paid for advertising pursuant to section 129 of the County Courts Act, 1934.

If the goods are removed, the bailiff is required to give the debtor a sufficient inventory of the goods so removed, and to give him notice of the time when and the place where such goods will be sold, at least twenty-four hours before the time fixed for the sale.

If the goods are sold, the bailiff is required to furnish the debtor, on request, with a detailed account in writing of the sale, and of the application of the proceeds thereof."

32. In Forms 349 to 358 for the year "1918" wherever it occurs there shall be substituted the year "1949".

33. In Forms 384 and 386 the words

"(*Add, if so ordered, where the defendant is a married woman* but such sum and costs shall not be payable out of any property of the defendant to the enjoyment of which there is attached any enforceable restriction against anticipation.)"

shall be omitted.

34. The following SCALES OF COSTS shall be substituted for the SCALES OF COSTS in Appendix B:—

SCALES OF COSTS

SCALE 1

Solicitor's Charges

Item No.		£ s. d.
1	Preparing particulars of claim or counterclaim, originating application, petition, or request for entry of appeal, and all necessary copies, where proceedings commenced and particulars, application, petition or request signed by solicitor ...	10 0
	Note.—This item includes letter before action, instructions to sue and attending to enter proceedings.	
2	In addition to item 1, for service of summons if served by solicitor	3 0
	Note.—This item is not to be allowed where item 3 (*a*) is applicable.	

SCALE 1—(*continued*)

Item No.		£ s. d.
3	Substituted service—	
	(*a*) if service by solicitor	5 0
	(*b*) if service by bailiff	3 0
4	Plaintiff's solicitor preparing for and attending the trial, with or without counsel	10 0
	Note:—Item 4 may, where counsel is not instructed, by order of the judge or registrar who heard the action or matter, be increased in a case of difficulty to a sum not exceeding ...	2 10 0
5	Defendant's solicitor, instructions, preparing defence or answer to originating application or petition and attending trial with or without counsel	1 0 0
	Note 1.—Item 5 may, where counsel is not instructed, by order of the judge or registrar who heard the action or matter, be increased in a case of difficulty to a sum not exceeding ...	3 0 0
	Note 2.—Where there is no trial but some costs of preparing for trial have been necessarily incurred, such portion of item 4 or item 5 as the registrar thinks reasonable may be allowed.	
6	Where trial is not concluded on the day on which it is commenced, for each day or part of a day on which it is continued, or where trial is adjourned for want of time or upon payment of the costs of the day, with or without counsel	10 0
7	Where an interlocutory application is made in the course of proceedings and costs are awarded, making or opposing application including instructions, notices, copies, service and attendances	10 0
	Note.—Items 4, 5, 6 and 7 apply to an arbitration, inquiry or reference. If the reference or inquiry was directed at the trial or the reference or inquiry began on the same day, item 4 or item 5 may only be allowed once in respect of that day.	
8	Preparing for and attending to support or oppose application for new trial or to set aside judgment or award or attending on the hearing of an appeal to the judge from a decision of the registrar, with or without counsel	10 0
9	Attending hearing of judgment summons, if costs allowed by the judge	10 0
	Counsel's Fees	
10	Where case is certified fit for counsel—	
	(*a*) For the hearing of an action or matter or for an application for a new trial or to set aside a judgment or award, or on the hearing of an appeal to the judge from a decision of the registrar	1 3 6 to 2 4 6
	(*b*) where the hearing is not concluded on the day on which it is commenced, or is adjourned for want of time or upon payment of the costs of the day, for each day or part of a day on which it is continued	1 3 6

SCALES 2 AND 3

Solicitor's Charges

Item No.		*Scale 2* £ s. d.	*Scale 3* £ s. d.
	Taking Instructions		
1	(i) To sue or defend; or (ii) to counterclaim or oppose counterclaim; or (iii) to interplead or to claim or oppose claim in interpleader proceedings; or (iv) to file or oppose an originating application or petition, or third-party notice, or application to set aside a judgment or award or for new trial; or (v) to take or oppose garnishee proceedings; or (vi) to appeal or oppose an appeal to a county court; or (vii) for preliminary act, pleading or bail in admiralty action; or (viii) for preparing any document or making or opposing any application not otherwise provided for, where in the opinion of the registrar the document or application, and instructions therefor, were necessary; or (ix) to appeal or oppose an appeal to the judge from a decision of the registrar.	5 0 to 10 0	5 0 to 1 0 0
	Particulars of claim, &c.		
2	Preparing particulars of claim or originating application, petition, or request for entry of appeal to a county court, or particulars or counterclaim, or third-party notice; preparing defence (to claim or counterclaim), answer, or reply if ordered; preparing preliminary act or pleading in admiralty action *Note.*—This item includes copies and is only to be allowed where the document is signed by the solicitor or his clerk duly authorised in that behalf.	5 0 to 1 0 0	5 0 to 1 10 0
	Preparation of documents		
3	Preparing any necessary document and all copies thereof not otherwise provided for, including instructions to counsel to settle any pleadings or other document or to advise on evidence ... ... And per folio beyond five ... ... *Note.*—This item is not to be allowed for preparing a praecipe or a notice of acceptance or non-acceptance of an admission and proposal as to time of payment.	5 0 1 0	5 0 1 0
	Copies		
4	For copies of documents not otherwise provided for which the registrar considers necessary— Per folio ... ... *Note.*—Half the charge to be allowed for carbon copies.	6	6
	Perusing		
5	Any document not otherwise provided for which the registrar is satisfied justifies a charge for perusal Or per folio beyond five	5 0 1 0	5 0 1 0

SCALES 2 AND 3—(*continued*)

Item No.		*Scale 2* £ s. d.	*Scale 3* £ s. d.
	Preparing for trial		
6	Preparing for trial of action or matter	1 0 0 to 3 0 0	2 0 0 to 15 0 0
	Note.—This item is intended to cover the work of preparing for trial not otherwise provided for, namely considering facts, evidence and law, preparation of notes of facts or argument, interviewing witnesses and taking proofs of their evidence, preparing and serving notices to produce and admit documents, perusing correspondence and notices to produce and admit documents and, where counsel is instructed, instructions for and drawing brief, attending counsel therewith, and appointing and attending conference.		
	Attendances		
7	At court on trial of action or matter—		
	(*a*) without counsel	1 0 0 to 3 0 0	2 0 0 to 10 0 0
	(*b*) with counsel	10 0 to 1 0 0	1 0 0 to 2 0 0
8	At court where trial is not concluded on day on which it is commenced, for each day or part of a day on which it is continued, or where trial is adjourned for want of time or upon payment of the costs of the day—		
	(*a*) without counsel	10 0 to 1 10 0	10 0 to 3 0 0
	(*b*) with counsel	10 0 to 1 0 0	1 0 0 to 2 0 0
9	At court or in chambers on any application to judge or registrar in the course of the proceedings, including notice and service, and brief where counsel is instructed—		
	(*a*) without counsel	10 0 to 1 0 0	10 0 to 5 0 0
	(*b*) with counsel	10 0 to 15 0	10 0 to 1 0 0

Notes to Items 6, 7, 8 *and* 9—

Note 1.—These items apply to an arbitration, inquiry or reference, but item 6 may only be allowed once in the same proceedings. If the reference or inquiry was directed at the trial and the reference or inquiry began on the same day item 7 may only be allowed once in respect of that day.

Note 2.—In proceedings transferred from the High Court item 6 includes instructions for brief in the High Court or any charge in lieu thereof.

SCALES 2 AND 3—(*continued*)

Item No.		*Scale 2* £ s. d.	*Scale 3* £ s. d.
	Attendances—(continued)		
10	To lodge papers, when proceedings transferred to county court, including preparation of all necessary documents	1 0 0	1 0 0
11	On examination of witness under Order XIV, Rule 1 (10); Order XX, Rule 18 (1) or Order XXV, Rule 2, for each hour	10 0	15 0
12	Where in consequence of anything done by the opposite party during the proceedings, attendance on the client is necessary to advise or receive instructions, for each attendance not otherwise provided for	10 0	10 0
13	(*a*) For each necessary attendance upon the opposite party not otherwise provided for	10 0	10 0
	(*b*) To obtain or give any necessary and proper consent or admission	10 0	10 0
	(*c*) To arrange for attendance of a witness without subpoena	5 0	5 0
	Note to Items 12 *and* 13 (*a*) *and* (*b*)— If the attendance is by telephone half of the charge is to be allowed.		
	Note to Item 13 (*c*)— Only one charge is to be allowed where only one attendance is necessary to arrange for more than one witness.		
14	At court to hear a deferred judgment or on further consideration pursuant to Order XXIX, Rules 18 and 19, or on entry of judgment on an award or report—		
	(*a*) without counsel	10 0 to 1 0 0	10 0 to 2 0 0
	(*b*) with counsel	10 0	10 0
15	At court, on hearing of judgment summons if costs allowed by the judge—		
	(*a*) without counsel	1 0 0	1 0 0
	(*b*) with counsel	10 0	10 0
	Note.—This item includes attending to enter and service.		
16	On deponent being sworn to an affidavit	5 0	5 0
	Note 1.—This charge may be allowed where the solicitor or his clerk is the deponent.		
	Note 2.—This charge is not to be allowed in respect of an affidavit of service or an affidavit under Order XX, Rule 5 (2).		
17	To deliver any document pursuant to any County Court Rule	5 0	5 0
18	Any attendance at the court office not otherwise provided for	5 0	5 0
	Service		
19	Of any document required to be served personally, other than a judgment summons, including copy ...	5 0	5 0
20	Of any document authorised to be served by post, including copy	2 0	2 0
	Notes to Items 19 *and* 20—		
	Note 1.—Where any two or more documents to be served on the same party have been or could have been served together, one charge only for service is to be allowed.		

SCALES 2 AND 3—(*continued*)

Item No.		*Scale 2* £ s. d.	*Scale 3* £ s. d.
	Service—(continued)		
	Note 2.—Where two or more parties have been or could have been served together, one charge only for service is to be allowed. *Note* 3.—These items are not to be allowed where item 21 (*a*) is applicable.		
21	Substituted service—		
	(*a*) if service by solicitor, to include attendances, making appointments to serve summons, preparing and attending to swear and file affidavits and to obtain order, and the fees paid for oaths	15 0	15 0
	(*b*) if service by bailiff, for attendances to request steps to be taken and to obtain order ...	10 0	10 0
22	Of process out of England and Wales, to include drawing, copying, attending to swear and file all affidavits and to obtain order, and the fees paid for oaths, such sum as the registrar thinks reasonable	—	—
	Letters, etc.		
23	Letter before action	5 0	5 0
24	Letters in lieu of attendances which could properly be allowed under items 12, 17 and 18	5 0	5 0
25	Circular letters	2 0	2 0
	Taxation of costs		
26	(*a*) For taxation of the costs of the action or matter, to include preparing bill, all necessary copies and notice, service and obtaining appointment to tax ...	12 0	1 0 0 to 2 10 0
	(*b*) For any other taxation, to include preparing bill, all necessary copies and notice, service and obtaining appointment to tax	5 0	5 0 to 10 0
	Disbursements		
	Fees to Counsel		
27	With brief on trial or hearing	1 3 6 to 3 5 6	2 4 6 to 11 0 0
28	Where there is no local Bar in the court town or within 25 miles thereof, if in the opinion of the registrar the maximum fee allowable with the brief is insufficient, a further fee may be allowed *not exceeding*	1 3 6	2 4 6
	Note 1.—Four or more counsel willing to accept briefs in county courts and occupying chambers in a town, constitute a local Bar for the purpose of this item.		
	Note 2.—This item is not to be allowed in any court within 25 miles of Charing Cross.		

SCALES 2 AND 3—(*continued*)

Item No.		*Scale* 2 £ s. d.	*Scale* 3 £ s. d.
	Disbursements—(continued)		
	Fees to Counsel—(continued)		
29	On conference, if the fee was marked on the brief when delivered, and in the opinion of the registrar was necessary	—	1 6 0
30	Where trial or hearing of action is not concluded on day on which it is commenced, or is adjourned for want of time or on payment of the costs of the day, for each day or part of a day on which it is continued; with brief on further consideration pursuant to Order XXIX, Rules 18 and 19, or to hear a deferred judgment; with brief on application on the course of proceedings; with brief on an examination of witnesses under Order XIV, Rule 1 (10), Order XX, Rule 18 (1), or Order XXV, Rule 2; with brief on hearing of judgment summons ...	1 3 6	1 3 6 to 5 10 0
31	For settling any document which in the opinion of the registrar is proper to be settled by counsel; for advising on evidence, if advice given in writing ...	—	1 3 6 to 2 4 6
	Notes to Items 27, 28, 29, 30 *and* 31—		
	Note 1.—Notes 1 and 2 to items 6, 7, 8 and 9 apply to fees to counsel as they apply to preparing for trial, attending court or attending in chambers.		
	Note 2.—Fees to counsel are not to be allowed unless the payment of them is vouched by the signature of counsel.		
	Plans, Photographs, etc.		
32	For plans, drawings, charts, photographs or models for use at the trial, sum paid *not exceeding*	1 1 0	3 3 0
	Miscellaneous		
33	For obtaining any documentary evidence or police reports or statements from the police which in the opinion of the registrar it was reasonably necessary to obtain for the purpose of the action or matter, the sum actually and reasonably paid	—	—
34	For oaths, sum paid, unless included in another item	—	—
35	For postages, carriage and transmission of documents, a sum *not exceeding*	10 0	10 0
36	Where solicitor does not reside or carry on business within 2 miles of the court at which the trial takes place, the sum actually and reasonably paid for travelling to attend trial *not exceeding*	1 0 0	1 0 0

SCALES 2 & 3—(*continued*)

Item No.	*Miscellaneous*—(continued)	*Scale* 2 £ s. d.	*Scale* 3 £ s. d.
37	Where solicitor does not reside or carry on business within 2 miles of the place of inspection of documents—		
	(*a*) the sum actually and reasonably paid for travelling to inspect documents *not exceeding*	1 0 0	1 0 0
	or		
	(*b*) if agent employed, for correspondence with agent	10 0	10 0
38	In addition to item 26 (taxation) where solicitor does not reside or carry on business within 2 miles of the court office—		
	(*a*) the sum actually and reasonably paid for travelling to attend the taxation *not exceeding*	10 0	10 0
	or		
	(*b*) if agent reasonably employed, for correspondence with agent	10 0	10 0

35. The following Appendix shall be substituted for Appendix C:—

Order XX, Rule 8 (5) (*a*), Order XLVII, Rule 29.

APPENDIX C

COMPENSATION FOR LOSS OF TIME

Class of Person	*Column* 1 Sum to be paid or tendered at time of service of witness summons	*Column* 2 Maximum sum per day allowable on taxation (including any sum paid under column 1).
	£ s. d.	£ s. d.
(*a*) Professional persons, and owners, directors or managers of a business	1 0 0	2 0 0
(*b*) Clerks, artisans, labourers and other employed persons	10 0	1 0 0
(*c*) Police Officers	15 0	15 0
(*d*) Other Persons	5 0	10 0

36. The following Appendix shall be substituted for Appendix D:—

APPENDIX D

Fixed Costs

Part I

SUMMONSES

Directions

Order XLVII Rule 36.

1. Tables I to III of this part of this Appendix show the amount to be entered on the summons in respect of solicitor's charges—

(*a*) in an action for the recovery of a sum of money for the purpose only of Order XI, Rule 1 and Part II of this Appendix; or

(*b*) in garnishee proceedings for the purpose only of Order XXVII, Rule 7; or

(*c*) in an action for the recovery of property, including land, with or without a claim for a sum of money, for the purpose of Part II of this Appendix or of fixing the amount which the plaintiff may receive in respect of solicitor's charges without taxation in the event of the defendant giving up possession and paying the amount claimed, if any, and costs.

2. In addition to the amounts entered in accordance with Tables I to III the appropriate court fees shall be entered on the summons.

3. In Column 1 of Tables I to III the expression "Sum of money" means the sum of money claimed, or, in relation to an action for the recovery of property other than land or money the value of the property claimed or, in the case of goods supplied under a hire-purchase agreement, the unpaid balance of the hire-purchase price.

4. The Tables do not apply where the summons is to be served out of England and Wales.

TABLES OF FIXED COSTS

TABLE I

Scale 1—Ordinary, Default or Garnishee Summons

Column 1	*Column* 2
Sum of money	Amount of Charges
	s. d.
Exceeding £2 and not exceeding £10—	
(*a*) where service is not by solicitor	10 0
(*b*) where service is by solicitor	13 0
(*c*) where an order for substituted service is made,	
in addition to (*a*)	3 0
in addition to (*b*)	2 0

TABLE II

Scale 2 or Scale 3—Ordinary or Default Summons

Column 1	*Column* 2
Sum of money	Amount of Charges
	£ s. d.
Exceeding £10 or for the recovery of land with or without a claim for a sum of money—	
(*a*) where service is not by solicitor	1 0 0
(*b*) where service is by solicitor	1 8 0
(*c*) where an order for substituted service is made,	
in addition to (*a*)	10 0
in addition to (*b*)	7 0

TABLE III

Scale 2 or Scale 3—Garnishee Summons

Column 1	*Column* 2
Sum of money	Amount of charges
Exceeding £10—	£. s. d.
(*a*) where service is not by solicitor	13 0
(*b*) where service is by solicitor	1 1 0
(*c*) where an order for substituted service is made,	
in addition to (*a*)	10 0
in addition to (*b*)	7 0

PART II

JUDGMENTS

Directions

1. Where a fixed sum has been entered on a summons in accordance with one of the Tables set out in Part I of this Appendix, the amount to be included in the judgment in respect of the plaintiff's solicitor's charges shall be the amount entered on the summons, and in addition :—

(*a*) where judgment is entered in a default action in default of defence, 5s. ; or

(*b*) where judgment is entered in an ordinary action on the defendant's admission and the plaintiffs' acceptance of his proposal as to time of payment, or in a default action on disposal, 7s. on Scale 1 or 10s. on Scale 2 or Scale 3 ; or

(*c*) where judgment is given in an ordinary action and the defendant has not delivered a defence and does not appear at the hearing to resist the claim, £1 on Scale 2 or Scale 3 :

Provided that where the court is satisfied that the defendant has denied liability, the plaintiff's solicitor shall be entitled to tax his costs.

2. Paragraph 1 (*c*) of these directions shall not apply to a judgment in an action for the possession of land except where an order for possession is made suspended on payment of arrears of rent, whether claimed or not, in addition to current rent.

37. The following Appendix shall be added to the Rules and shall stand as Appendix E :—

APPENDIX E

Directions

Order XLVII, Rule 37.

1. This Table shows the amount which pursuant to Order XLVII, Rule 37, may be allowed in respect of the charges of the solicitor for the plaintiff or defendant respectively without taxation.

2. In addition to the amount set out in the Table there may be allowed, where applicable—

(i) court fees,

(ii) allowances to witnesses,

(iii) a charge on the appropriate scale in respect of service of process by the solicitor or of substituted service.

Scale	Amount of charges
Where costs are on Scale 2	£3 0 0
Where costs are on Scale 3	£5 0 0

We, the undersigned members of the Rule Committee appointed by the Lord Chancellor under section 99 of the County Courts Act, 1934(a), having by virtue of the powers vested in us in this behalf made the foregoing Rules, do hereby certify the same under our hands and submit them to the Lord Chancellor accordingly.

Donald Hurst.
J. Alun Pugh.
William Stewart.
Edgar T. Dale.
R. T. Monier-Williams.
Roland Marshall.
Gilbert Hicks.

Approved by the Rule Committee of the Supreme Court.

A. E. A. Napier,
Secretary.

I allow these Rules which shall come into force on the 1st day of September, 1950.

Dated the 25th day of July, 1950.

Jowitt, C.

(a) 24 & 25 Geo 5. c. 53.

APPENDIX

Part I

18A

Order VI, Rule 3 (2) (c). FORM OF ADMISSION, DEFENCE AND COUNTERCLAIM TO ACCOMPANY FORMS 18, 19 AND 22

County Court.

No. of
Plaint:

——————————— v. ———————————

Admission. I admit the plaintiff's claim [*or* £ : : part of the plaintiff's claim], and I ask leave to pay the same with the costs on that amount, on the day of 19 .

(1) *State why you cannot pay at once.* [*or* by instalments of £ : : per] because (1)

or

Defence. (2) *State shortly the facts you wish to put before the Court.* I dispute the plaintiff's claim [*or* £ : : part of the plaintiff's claim] because (2)

or

Counterclaim. I have a counterclaim against the plaintiff for £ : : , for

To be Signed Here :— Defendant

Address to which notices are to be sent

20A

Order VI, Rule 3 (2) (b). FORM OF DEFENCE TO ACCOMPANY FORMS 20, 21 (1) AND (2)

County Court

No. of
Plaint:

——————————— v. ———————————

Defence. I dispute the plaintiff's claim because:—[*State shortly the facts you wish to put before the Court*]

To be Signed Here :— Defendant

Address to which notices are to be sent

28 (1)

NOTICE TO PLAINTIFF IN DEFAULT ACTION OF ADMISSION OF WHOLE OR PART OF CLAIM

Order X, Rule 4 (1).

[*General Title—Form* 1]

To the Plaintiff

Take notice that the Defendant has delivered an admission of the whole of your claim [*or* £ : : part of your claim] and asks leave to pay the same with the costs on the day of 19 , [*or* by instalments of £ : : for every month] because

If you elect to accept [the amount admitted in satisfaction of your claim and] the proposal as to payment, you should forthwith send me notice of acceptance and on receipt of your notice of acceptance judgment will be entered in accordance with the admission and proposal of the Defendant.

If you do not elect to accept [the amount admitted in satisfaction of your claim and] the proposal as to payment, you should forthwith send me notice of non-acceptance. The Court will then fix a day on which the action will be heard or disposed of and give notice to all parties.

28 (2)

NOTICE TO PLAINTIFF IN DEFAULT ACTION OF DAY FIXED FOR DISPOSAL

Order X, Rule 4 (3

[*General Title—Form* 1]

To the Plaintiff

Take notice that you should attend at

on the day of 19 , at o'clock, when judgment will be entered and the decision of the Court will be given as to the date of payment or the instalments by which payment is to be made.

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ORDER FOR RECOVERY OF LAND SUSPENDED UNDER RENT AND MORTGAGE INTEREST RESTRICTIONS ACTS, 1920 TO 1939

Order XXIV Rule 4 (1).

[*General Title—Form* 1] (Seal.)

It is adjudged that the Plaintiff do recover against the Defendant possession of the land mentioned in the particulars of claim attached to the summons in this action, that is to say :—

And it is adjudged that the Plaintiff do recover against the Defendant the sum of [£ : : for arrears of rent and mesne profits and] £ : : for costs [*or* his costs of this action to be taxed on scale] [making together the sum of £ : :].

It is ordered that the judgment for possession shall not be enforced for days and for so long thereafter as the Defendant punctually pays to the Plaintiff or his agent the [arrears of rent, mesne profits and] costs by instalments of £ : : per week in addition to the current rent.

And it is ordered that the judgment for £ : : [and costs to be taxed] shall not be enforced for so long as the Defendant pays the said instalments of £ : : per week.

And it is further ordered that the judgment(s) shall cease to be enforceable when the [arrears of rent, mesne profits and] costs referred to above are satisfied.

Current rent ... ... £ : :
[Arrears to date of judgment ... ... £ : :

Delete where judgment given for arrears of rent and mesne profits, if any.]

The first payment will be due on the day of , 19 .

Dated this day of 19 .

Registrar.

INSTRUCTIONS

1. Remittances to the Court by post must be by POSTAL OR MONEY ORDER ONLY, payable to the Registrar and crossed *& Co.* (Cheques and stamps are not accepted.) POSTAGE MUST BE PREPAID. This paper must also be sent and a stamped addressed envelope for receipt. Payment other than in cash at the Court Office is made at the payer's risk.

2. If you are ill or out of work, ask your landlord to suspend the Order until you are better or back at work. If he will not do so, you should ask the Court officials to help you to prepare an application to the Judge.

Part II

5

Order VI, Rule 8 (3). MEMORANDA TO BE PRINTED OR WRITTEN ON EVERY SUMMONS, NOTICE, JUDGMENT, ORDER OR PROCESS OF THE COURT

Address all communications for the Court to: "The Registrar, County Court, ."

THE COURT OFFICE at } [*here insert address of office*]

is open from till except on [*here insert the day upon which the office will be closed*] when the office will be open from [*here insert the hours of business on that day*] till .

17

MEMORANDUM TO BE PRINTED ON ALL PLAINT NOTES

Bring this plaint note with you when you come to the Court or to the Court Office for any purpose connected with these proceedings.

On the day of hearing bring all books and papers necessary to prove your claim.

Money will not be paid out of Court except on production of this plaint note. County Court Funds Rules, Rule 10.

If you obtain a judgment against the Defendant all money ordered to be paid thereunder must be paid into Court and must not be received by you from the Defendant unless the Court directs payment to be made to you.

Money paid out of Court and searches made at your request on except those during the first seven days in January, when the ledgers will be closed. Rule 9.

18

ORDINARY SUMMONS Order VI, Rule 3 (2) (b)

County Court.

Mention plaint No.

Plaintiff.

Defendant.

(Seal)

TO THE DEFENDANT

The Plaintiff claims

	£	s.	d.
Debt or Damages ... ... (*Particulars are attached*)			
Costs:			
Court Fee			
Solicitor's Charge			
Total			

(Costs may be increased if payment not made within the time stated below.)

YOU ARE HEREBY SUMMONED TO APPEAR AT COUNTY COURT.

(*a*) [*Here insert address of Court House*]

on the day of 19 ,

at o'clock when the claim will be heard.

INSTRUCTIONS

(1) If you admit the claim or any part of it, pay the amount admitted and costs into Court within 8 days after service of this summons inclusive of the day of service. If you require longer time for payment complete the form of ADMISSION attached.

(2) If you dispute the claim or any part of it, complete the form of DEFENCE attached.

(3) If you have any claim against the plaintiff, complete the form of COUNTERCLAIM attached.

(4) After completing and signing the form, fold it as indicated, stamp it, and post it to reach the Court not later than 8 days after service of this summons inclusive of the day of service. Unless you pay or make an admission and proposal for payment which is accepted, you should attend at the Court on the day and at the time stated above.

(5) Delay in payment or in returning the form may add to the costs.

Dated this day of 19 .

Registrar.

INFORMATION

(1) Witness summonses can be obtained at the Court Office.

(2) You can obtain help in completing the form at any County Court Office or Citizens' Advice Bureau.

(3) Remittances to the Court by post must be by POSTAL OR MONEY ORDER ONLY, payable to the Registrar and crossed & Co. (Cheques and stamps are not accepted.) POSTAGE MUST BE PREPAID. This summons must also be sent and a stamped addressed envelope for receipt. Payment otherwise than in cash at the Court Office is made at the payer's risk.

19

Order VI, Rule 3 (2) (*b*), Order XXII, Rule 4 (1).

ORDINARY SUMMONS (REGISTRAR'S COURT)

[*Title as in Form* 18] (Seal.)

To the Defendant

The Plaintiff claims

	£	s.	d.
Debt or Damages ... ... (*Particulars are attached*)			
Costs:			
Court Fee			
Solicitor's Charge			
Total			

(Costs may be increased if payment not made within the time stated below.)

YOU ARE HEREBY SUMMONED TO APPEAR AT

County Court.

(*a*) [*Insert here address of Court House*]

on the day of 19 ,
at o'clock when the Registrar only will be sitting
to hear the claim.

INSTRUCTIONS

(1) If you admit the claim or any part of it, pay the amount admitted and costs into Court within 8 days after service of this summons inclusive of the day of service. If you require longer time for payment complete form of ADMISSION attached.

(2) If you dispute the claim or any part of it, complete the form of DEFENCE attached, and state if you object to the claim being heard by the Registrar.

(3) If you have any claim against the plaintiff, complete the form of COUNTERCLAIM attached.

(4) After completing and signing the form, fold it as indicated, stamp it, and post it to reach the Court not later than 8 days after service of this summons inclusive of the day of service. Unless you pay or make an admission and proposal for payment which is accepted, you should attend at the Court on the day and at the time stated above.

(5) Delay in payment or in returning the form may add to the costs.

Dated this day of 19 .

Registrar.

[*Information as on Form* 18.]

20

ORDINARY SUMMONS (EQUITY PROCEEDINGS) Order VI, Rule 3 (2) (*b*).

[*Title as in Form* 18] (Seal.)

The Plaintiff claims

as stated in the attached particulars of claim.
COSTS (*to be taxed*)

YOU ARE HEREBY SUMMONED TO APPEAR AT

COUNTY COURT

[*here insert address of Court House*]

on the day of 19 ,
at o'clock when the claim will be heard.

INSTRUCTIONS

(1) If you dispute the claim or have a claim against the plaintiff, complete the form of DEFENCE attached and attend at the Court on the day and at the time stated above.

(2) After completing and signing the form of defence fold it as indicated, stamp it, and post it to reach the Court not later than 8 days after service of the summons inclusive of the day of service. Delay in returning the form may add to the costs.

Dated this day of 19 .

To the Defendant.

Registrar.

[*Information as on Form* 18.]

21 (1)

Order VI, Rule 3 (2) (*b*).

POSSESSION SUMMONS

[*Title as in Form* 18]

TO THE DEFENDANT (Seal.)

The Plaintiff claims possession of

on the grounds stated in the particulars attached to this summons [and also claims the sum of £ : : mentioned in the said particulars].

YOU ARE HEREBY SUMMONED TO APPEAR AT

COUNTY COURT,

(*a*) [*Insert here address of Court House.*]

on the day of 19 ,
at o'clock when the claim will be heard.

INSTRUCTIONS

(1) If you dispute the claim, complete the form of DEFENCE attached and attend at the Court on the day and at the time stated above.

(2) After completing and signing the form, fold it as indicated, stamp it, and post it to reach the Court not later than 8 days after service of this summons, inclusive of the day of service. Delay in returning the form may add to the costs.

	£	s.	d.
MONEY CLAIM			
COSTS:			
Court Fee...			
Solicitor's charge			
Total ...			

Dated this day of 19 .

Registrar.

[*Information as on Form* 18.]

21 (2).

Order VI, Rule 3 (2) (*b*).

POSSESSION SUMMONS (FORFEITURE)

[*Title as in Form* 18.] (Seal.)

TO THE DEFENDANT

The Plaintiff claims possession of

by way of enforcing a right of re-entry or forfeiture for non-payment of rent.

Particulars of the claim are attached to this summons.

	£	s.	d.
RENT IN ARREAR			
COSTS:			
Court Fee			
Solicitor's Charge			
Total			

YOU ARE HEREBY SUMMONED TO APPEAR AT
COUNTY COURT
(*a*) [*insert here address of the Court House*]
on the day of 19 ,
at o'clock when the claim will be heard.

INSTRUCTIONS

1. If you pay the rent in arrear and costs into Court 5 clear days before the date of hearing, the action will cease. [If you do not pay within that time, the plaintiff will at the hearing of the case ask for judgment for the rent in arrear, as stated above, and any further sum which has become due at the date of the judgment. *Delete where there is no money claim.*]

2. If you dispute the claim, complete the form of DEFENCE attached and attend the Court on the day and at the time stated above.

3. After completing and signing the form, fold it as indicated, stamp it, and post it to reach the Court not later than 8 days after service of this summons inclusive of the day of service.

4. Delay in payment may add to the costs.

Dated this day of 19 .
Registrar.

[*Information as on Form* 18.]

22.

DEFAULT SUMMONS
[*Title as in Form* 18.] (Seal.) Order VI, Rule 3 (2) (*b*).

TO THE DEFENDANT

The Plaintiff claims :—

	£	s.	d.
DEBT			
(*Particulars are attached*)			
COSTS:			
Court Fee			
Solicitor's Charge			
TOTAL			

(Costs may be increased if payment not made within the time stated below.)

Judgment may be obtained against you and enforced without further notice unless within 8 days of the service of this summons inclusive of the day of service you :

Pay the total amount of the claim and costs into Court

or

Send to the Court an Admission, Defence or Counterclaim for which the attached form should be used.

Dated this day of 19 .
Registrar.

INSTRUCTIONS

(1) If you admit the claim or any part of it, pay the amount admitted and costs into Court within 8 days after service of this summons, inclusive of the day of service. If you require longer time for payment, complete the form of ADMISSION attached.

(2) If you dispute the claim or any part of it complete the form of DEFENCE attached.

(3) If you have a claim against the plaintiff complete the form of COUNTERCLAIM attached.

(4) After completing and signing the form, fold it as indicated, stamp it, and post it to reach the Court not later than 8 days after service of this summons inclusive of the day of service. Unless you make an admission and proposal for payment which is accepted, you will receive notice from the Court of a day on which you will have an opportunity of being heard on your proposal for payment, defence or counterclaim.

(5) Delay in payment or in returning the form may add to the costs.

(6) You can obtain help in completing the form at any County Court Office or Citizen's Advice Bureau.

(7) Remittances to the Court by post must be by POSTAL MONEY ORDER ONLY, payable to the Registrar and crossed *& Co.* (Cheques and Stamps are not accepted). POSTAGE MUST BE PREPAID. This summons must also be sent and a stamped addressed envelope for receipt. Payment otherwise than in cash at the Court Office is made at the payer's risk.

29

Order X. Rule 4 (3).

NOTICE TO DEFENDANT IN DEFAULT ACTION OF DAY FIXED FOR DISPOSAL

[*General Title—Form* 1]

To the Defendant

Take notice that the Plaintiff has not accepted your offer and this action will be disposed of at on the day of 19 , at o'clock when judgment will be entered and the decision of the Court will be given as to the date of payment or the instalments by which payment is to be made.

31

Order VIII, Rule 9 (1) & (2).

SERVICE INDORSEMENT ON ORDINARY SUMMONS

The summons of which this is a true copy was served by me—

(*a*) on the day of 19 , at the residence or place of business of the defendant as stated in the summons, *or* at by delivering the summons to the said defendant personally [*or* to apparently not less than 16 years old who promised to give the same to the said defendant the same day *or as the case may be*]

or (*b*) by posting the same to the said defendant on the day of 19 , at the address stated in the summons in accordance with the order of the Registrar dated the day of 19 .

or The summons of which this is a true copy has not been served for the following reasons:—

Bailiff of the County Court.

32

SERVICE INDORSEMENT ON ANY DOCUMENT OF WHICH PERSONAL SERVICE IS REQUIRED (EXCEPT A WITNESS OR JUDGMENT SUMMONS). Order VIII, Rule 2 (c) (i), & Rule 32 (1).

The summons [*or as the case may be*] of which this is a true copy was served by me—

(*a*) on the defendant, personally, at on the day of 19 [*or in accordance with an order for substituted service*].

or (*b*) by posting the same to the defendant on the day of 19 at the address stated in the summons [*or as the case may be*] in accordance with the order of the Registrar dated the day of 19 .

Bailiff of the County Court.

33

SERVICE INDORSEMENT ON ORDINARY OR DEFAULT SUMMONS AGAINST A FIRM Order VIII, Rules 2 (c) (i), 9 (1) & (2).

The summons of which this is a true copy was served by me on the day of 19 ,

(*a*) by delivering the same at the address stated in the summons *or* at to a partner in [*or* who stated that he was a partner in] the defendant firm [*or* who stated that he carried on business in the name of .]

or (*b*) by delivering the same at the address stated in the summons *or* at to a person who did not give his name, but stated that he was a partner in the defendant firm [*or* that he carried on business in the name of .]

or (*c*) by delivering the same at the address stated in the summons *or* at being the principal place of business of the defendant firm within the district of this court to the person [*or if the name is not known*, to a person] who had or appeared to have the control or management of the business there.

or (*d*) by posting the same to the defendant firm on the day of 19 , at the address stated in the summons in accordance with the order of the Registrar dated the day of 19 .

or The summons of which this is a true copy has not been served for the following reasons:—

Bailiff of the County Court.

34

11 & 12 Geo. 6, c. 38, s. 437 (1). Order VIII, Rules 2 (c), 9 (1 & 2), 32 (1).

SERVICE INDORSEMENT ON AN ORDINARY OR DEFAULT SUMMONS AGAINST A COMPANY REGISTERED UNDER THE COMPANIES ACTS

The summons of which this is a true copy was served by me on the defendant company

(*a*) on the day of 19 by leaving the same at the address stated in the praecipe to be the registered office of the company.

or (*b*) by posting the same to the defendant company on the day of 19 at the address stated in the praecipe to be the registered office of the company, by prepaid *or* registered post.

FORM 35

AFFIDAVIT OF SERVICE OF ORDINARY OR DEFAULT SUMMONS

[*General Title—Form* 1]

I, of

in the County of make oath and say as follows:—

1. That I am over 16 years of age and

(*a*) in the permanent and exclusive employ of the above-mentioned plaintiff,

[*or* (*b*) employed by of (solicitor, acting as agent for of) solicitor for the above-named plaintiff.]

2. That I did on the day of , 19 , serve the summons, a true copy of which is annexed hereto and marked "A", on the defendant—

(*a*) by delivering the same to the said defendant personally, at

[*or* (*b*) by delivering the same at to who stated that he was a partner in the defendant firm (*or* who carried on) (*or* who stated that he carried on) business in the name of the defendant firm.

or (*c*) by delivering the same at to a person who did not give his name but stated that he was a partner in (*or* carried on business in the name of) the defendant firm.

or (*d*) by delivering the same at being the principal place of business of the defendant firm within the district of this court to the person who had or appeared to have the control or management of the business there.]

[*or* (*e*) by leaving the same (*or* by posting the same on the previous day in a prepaid envelope addressed to the defendant Company) at the address stated in the praecipe to be the registered office of the defendant Company.]

[*or* (*g*) by delivering the same at to a solicitor who represented that he was authorised to accept service on behalf of the defendant and who at the time of such delivery indorsed upon the copy summons retained by me a memorandum that he accepted service thereof on behalf of such defendant.]

[*or* (*g*) by sending the same on the previous day by registered post together with a sealed copy of the order for substituted service of the said summons, addressed to the defendant at in accordance with the said order.]

Indorse the copy summons thus:—This paper marked "A" is the copy summons referred to in the annexed affidavit.

This affidavit must be filed within 3 days after the day of service.

(For Instructions turn over.)

INSTRUCTIONS FOR SERVICE

Service must be effected by delivering the summons to each defendant personally. If the defendants are sued as partners, service may be effected by delivering the summons to any one or more of the partners personally, or by delivering it at the principal place of business of the partnership, within the district in which the summons is to be served, to a person having, or appearing to have, the management of the business. If the defendant is a person carrying on business in a firm name, service may be effected by delivering the summons to him or by delivering it at the firm's principal place of business, within the district in which the summons is to be served, on any person having, or appearing to have, the management of the business.

60

Order IX, Rule 1 (2).

NOTICE TO PLAINTIFF IN ORDINARY ACTION OF ADMISSION OF WHOLE OR PART OF THE CLAIM

[*General Title—Form* 1]

To the Plaintiff

Take notice that:—

(1) The defendant has delivered an admission of the whole of your claim [*or* £ : : part of your claim] and proposes to pay the amount so admitted on the day of 19 , [*or* by instalments of £ : : per month], because

(2) If you do not elect to accept [the amount admitted in satisfaction of your claim and] the proposal as to payment, you should forthwith send notice of non-acceptance to me and to the defendant, and attend the Court on the day of hearing.

(3) If you elect to accept [the amount admitted in satisfaction of your claim and] the proposal as to payment, you should forthwith send me notice of acceptance. It will not be necessary for you to attend the hearing and on receipt of your notice of acceptance judgment will be entered in accordance with the admission and proposal of the defendant.

64

NOTICE TO PLAINTIFF OF PAYMENT INTO COURT OF WHOLE CLAIM WITH OR WITHOUT COSTS — Order XI, Rule 1 (*b*) (7).

[*General Title—Form* 1]

Take notice that the defendant has paid into court £ : : , being the full amount of your claim in this action [together with the costs entered on the summons].

[*Note.*—When applying for the above amount in person, you must produce this notice and the plaint note issued to you on the entry of the plaint. If you wish the payment to be made to you by post, you should complete the attached form of receipt, and send it to the court together with the plaint note and a stamped addressed envelope.]

No. . Received of the Registrar £ : : :
this day of 19 .

[Stamp 2d. if £2 or more]

134

JUDGMENT FOR PLAINTIFF IN ACTION FOR RECOVERY OF LAND — Order XXIV, Rule 4 (1).

[*General Title—Form* 1] (Seal.)

It is adjudged that the Plaintiff do recover against the Defendant possession of the land mentioned in the particulars of claim attached to the summons in this action, that is to say, [*here describe the property as set out in the particulars*].

And it is ordered that the Defendant do give the Plaintiff possession of the said land on the day of 19 .

And it is adjudged that the Plaintiff do recover against the Defendant the sum of £ : : for rent and mesne profits and £ : : for costs [*or* his costs of this action to be taxed on scale], making together the sum of £ : : .

And it is ordered that the Defendant do pay to the Registrar of this court the [total] sum above mentioned—

[on or before the day of 19 , (and do pay the amount of the costs when taxed on or before that day or, if costs have not been taxed before the expiration of that day, within 3 days of taxation).]

or [(together with the amount of the costs when taxed) by instalments of £ : : for every 28 days/calendar month, the first instalment to be paid on the day of 19 .]

Take notice that if possession be not given and payment made as above ordered, a warrant, or warrants, may issue requiring the bailiff of the Court to give possession of the said land to the Plaintiff and to levy the sum of £ : : , above mentioned [and the amount of the said costs when taxed], together with further costs.

(*Note* :—In an action for possession of any property forming a security for payment to the plaintiff of any principal money or interest, Form 385 or, if there is also a claim for principal money or interest, Form 386, must be used in lieu of this Form.)

139 (3)

Order XXIV, Rule 4 (3).

JUDGMENT FOR DELIVERY OF GOODS UNDER PARAGRAPH (*b*) OF SECTION 12 (4) OF THE HIRE-PURCHASE ACT, 1938.

[*General Title—Form* 1] (Seal.)

It is adjudged that the Defendant being in default under a hire-purchase agreement dated the day of 19 and made between [*insert names of parties*]
the Plaintiff do recover against the Defendant [*insert name of hirer*]
the following goods of the Plaintiff being goods subject to the said agreement and wrongfully detained by the Defendant; that is to say [*specify the goods which the Court decides to have been detained*]
and do recover against the Defendant the sum of £ : : for costs [*or* his costs of this action to be taxed on scale].

And it is ordered that unless the Defendant(s) fulfil the conditions of the postponement hereinafter imposed, the Defendant [*insert name of hirer*] do return the said goods to the Plaintiff on or before the day of 19 .

It is further ordered that the operation of this order be postponed on condition that the unpaid balance of the hire-purchase price, namely £ : : is paid into Court by instalments of £ : : for every 28 days/calendar month, the first instalment to be paid on the day of 19 .

[*Add any further conditions imposed by the Court.*]

And it is ordered that the terms of the above-mentioned agreement be modified in the following respects:—

No sum except the instalments aforesaid shall be payable to the Plaintiff in respect of the said agreement during the said postponement.

[*State any other respects in which the agreement is to be modified.*]

And it is ordered that in case default is made in payment of any instalment according to this order a warrant for delivery do issue.

And it is further ordered that the Defendant do pay the said sum of £ : : for costs [*or* the amount of the said costs when taxed] to the Registrar of this Court by instalments of £ : : for every 28 days/calendar month, the first instalment to be paid days after the last instalment of the price is paid. If default is made in payment of any instalment on account of the unpaid balance of the hire-purchase price, execution may forthwith issue for the whole of the costs.

142

Order XXIV, Rule 15.

NOTICE OF PAYMENT INTO COURT UNDER JUDGMENT OR ORDER

[*General Title—Form* 1]

I HEREBY GIVE YOU NOTICE that the sum of £ stands to your credit in the books of the court having been paid under the judgment [*or* order] in this action.

[The full amount due in this Action has now been paid. *Delete where inapplicable.*]

Dated this day of 19 .

Registrar.

[*Note.*—When applying for the above amount in person you must, if you are the plaintiff, produce the plaint note or, if you are the defendant, produce the summons. If you wish the payment to be made to you by post you should complete the attached form of receipt and send it to the court together with the plaint note or summons and a stamped addressed envelope.]

Money paid out of court and searches made at your request on , except those during the first seven days in January, when the ledgers will be closed.

No. Received of the Registrar £ : : this day of 19 .

[Stamp 2d. if £2 or more.]

162

NOTICE OF LEVY

Order XXV, Rule 19.

[*General Title—Form* 1]

(Seal.)

Take notice, that the warrant of execution against your goods on the judgment (or order) obtained against you in this action is for the amount stated below.

If you pay the amount to be levied, as stated below, within half an hour of the entry of the bailiff, you will incur no further fees or expenses.

The fee for keeping possession of such of your goods as may be seized is sixpence in the pound per day, not exceeding seven days, on the value of such goods (the value to be the appraised value where the goods have been appraised) with a maximum of ten shillings per day. In addition, there are payable, where animals are to be fed, the reasonable expenses of feeding them, and, where steps are taken to remove goods to a place of deposit, the reasonable expenses incurred. If possession is kept after the seventh day at the written request of both parties, the same fees per day may be allowed for a reasonable further time in respect of such possession.

If your goods are removed, the appraisement fee under-mentioned will be payable by you.

Your goods will not be sold until after the end of five days next following the day on which they were seized, unless they are of a perishable nature, or at your request.

If your goods are appraised and sold, the following fees are chargeable for the appraisement and sale, and no others:—

For the appraisement sixpence in the pound on the value of the goods appraised.

For the sale, including advertisements, catalogues, sale and commission, and delivery of the goods, two shillings in the pound on the amount realised by the sale.

For advertising any sale by auction, pursuant to section 129 of the County Courts Act, 1934, in addition to the last-mentioned fee, the reasonable expenses thereof.

Where no sale takes place by reason of the execution being withdrawn, satisfied or stopped, there may be allowed all charges actually and necessarily incurred with a view to a sale, not exceeding one shilling in the pound on the value of the goods seized (the value to be the appraised value where the goods have been appraised) and, in addition, any reasonable expenses paid for advertising pursuant to section 129 of the County Courts Act, 1934.

If your goods are removed, the bailiff is required to give you a sufficient inventory of the goods so removed, and to give you notice of the time when and the place where such goods will be sold, at least twenty-four hours before the time fixed for the sale.

If your goods are sold, the bailiff is required to furnish you, on your request, with a detailed account in writing of the sale, and of the application of the proceeds thereof.

	£.	s.	d.
Amount for which judgment [*or* order] was obtained ...			
Subsequent costs			
Since paid by you into court			
Remaining due on judgment [*or* order]			
Amount for which this warrant is issued by leave of the court			
Fee for issuing this warrant			
Solicitor's costs of issue			
[*Where the warrant is against a farmer insert as an additional item* Paid for certificate or search in the Land Registry]...			
Total amount to be levied, with fees for execution of warrant as stated above			

171

Order XXV, Rule 33 (3).

THE DEBTORS ACT, 1869

JUDGMENT SUMMONS

County Court

JUDGE'S COURT.

Mention { PLAINT No. / JUDGT. SUMS. No.

BETWEEN [*name, address and description*]

Plaintiff.

(Seal.)

AND [*name, present address, description and, if known, place of employment*]

Defendant.

TO THE DEFENDANT [*if the summons is issued against some or one only of several Defendants name them or him*]

Whereas the Plaintiff obtained a judgment [*or* an order] against the above mentioned Defendant in this Court [*or* in the County Court] [*or* in the High Court of Justice] on the day of 19 , for the payment of £ : : for debt [*or* damages] and costs, forthwith [*or on the* day of 19], *or* by instalments of £ : : for every 28 days/calendar month and subsequent costs have been incurred in pursuance thereof and allowed by the Judge, amounting to £ : : .

And whereas default has been made in payment of the sum of £ : : payable in pursuance of the said judgment [*or* order], and the Plaintiff has required this judgment summons to be issued against you.

You are therefore hereby summoned to appear personally in this Court, at on the day of 19 , at o'clock, to be examined on oath touching the means you have or have had since the date of the said judgment [*or* order] to satisfy the sum payable in pursuance of the said judgment [*or* order]; and also to show cause why you should not be committed to prison for such default, or why a receiving order should not be made against you pursuant to subsection 4 of section 107 of the Bankruptcy Act, 1914.

Dated this day of 19 .

Registrar.

	£ s d.
Sum in payment of which Defendant has made default	
Fee for issue of this summons	
Travelling expenses to be paid or tendered to Defendant	
Sum on payment of which this summons will be satisfied	
	£ s d.
Amount, if any, which will still remain outstanding when the above sum has been paid	

Remittances to the Court by post must be by POSTAL OR MONEY ORDER ONLY, payable to the Registrar and crossed *& Co.* (Cheques and Stamps are not accepted.) POSTAGE MUST BE PREPAID. This paper must also be sent and a stamped addressed envelope for receipt.

Payment otherwise than in cash at the Court Office is made at the payer's risk.

The County Court (Amendment No. 2) Rules, 1950

1950 No. 1993 (L. 29)

Made - - - - 12*th December*, 1950
Coming into Operation 1*st January*, 1951

1.—(1) These Rules may be cited as the County Court (Amendment No. 2) Rules, 1950.

(2) An Order and Rule referred to by number in these Rules means the Order and Rule so numbered in the County Court Rules, 1936(a), as amended.

(3) A Form referred to by number in these Rules means the Form so numbered in the Appendices to the County Court Rules, 1936.

(a)S.R. & O. 1936 (No. 626) I, p. 282.